

## **DETAILED ACTION**

### ***Amendment***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/19/07 has been entered. Applicant's amendment filed on 12/07/07 is acknowledged.

### ***Status of claims***

2. Claim 29 has been amended.

Claims 29 and 51-52 are pending and are under examination.

### ***Examiner's amendment***

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ian McLeod on 3/13/08. The application has been amended as follows:

29. (Currently Amended) A method for producing a passive immunity vaccine against *Sarcocystis neurona* in horses, comprising:

(a) providing *Sarcocystis neurona* 16 kDa antigen and *Sarcocystis neurona* 30 kDa antigen, as determined by SDS polyacrylamide gel electrophoresis;

(b) immunizing one or more mammals with the *Sarcocystis neurona* 16 kDa antigen and the *Sarcocystis neurona* 30 kDa antigen, in admixture with an adjuvant, to produce antibodies against the *Sarcocystis neurona* 16 kDa antigen and antibodies against the *Sarcocystis neurona* 30 kDa antigen;

(c) removing serum from the one or more immunized mammals;

(d) isolating from the serum from the one or more immunized mammals the antibodies against the *Sarcocystis neurona* 16 kDa antigen and the antibodies against the *Sarcocystis neurona* 30 kDa antigen; and

(e) ~~providing~~ administering the antibodies to the 16 kDa antigen and antibodies to the 30 kDa antigen, isolated in step (d), together to horses as the passive immunity vaccine against *Sarcocystis neurona* ~~in horses~~.

4. In view of arguments of record in reference to Liang et al 1998 and argument that refers to the Declaration dated April i, 2003, filed with Application Serial No. 09/670,096 (Ref: MSU 4.1-526), the rejection of record is withdrawn. The prior art does not teach a method of providing passive immunity to horses by administering together antibodies to *Sarcocystis neurona* 16kD and 30kd antigen.

#### **Remarks**

5. Claims 29, 51 and 52 are allowed and have been renumbered as 1-3 respectively.

#### **Conclusion**

6. Papers related to this application may be submitted to Group 1600, AU 1645 by facsimile transmission. Papers should be transmitted via the PTO Fax Center, which receives transmissions 24 hours a day and 7 days a week. The transmission of such papers by facsimile must conform to the notice published in the Official Gazette, 1096 OG 30, November 15, 1989. The Right Fax number is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PMR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PMR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private

Art Unit: 1645

PMR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Padma Baskar Ph.D., whose telephone number is ((571) 272-0853. A message may be left on the Examiner's voice mail system. The Examiner can normally be reached on Monday to Friday from 6.30 a.m. to 4.00 p.m. except First Friday of each bi-week.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shanon Foley can be reached on (571) 272-0898.

/Padma v Baskar/

Examiner, Art Unit 1645

/Shanon A. Foley/

Supervisory Patent Examiner, Art Unit 1645

## ALLOWED CLAIMS

Claim 1 29. A method for producing a passive immunity vaccine against *Sarcocystis neurona* in horses, comprising:

(a) providing *Sarcocystis neurona* 16 kDa antigen and *Sarcocystis neurona* 30 kDa antigen, as determined by SDS polyacrylamide gel electrophoresis;

(b) immunizing one or more mammals with the *Sarcocystis neurona* 16 kDa antigen and the *Sarcocystis neurona* 30 kDa antigen, in admixture with an adjuvant, to produce antibodies against the *Sarcocystis neurona* 16 kDa antigen and antibodies against the *Sarcocystis neurona* 30 kDa antigen;

(c) removing serum from the one or more immunized mammals;

(d) isolating from the serum from the one or more immunized mammals the antibodies against the *Sarcocystis neurona* 16 kDa antigen and the antibodies against the *Sarcocystis neurona* 30 kDa antigen; and

(e) administering the antibodies to the 16 kDa antigen and antibodies to the 30 kDa antigen, isolated in step (d), together to horses as the passive immunity vaccine against *Sarcocystis neurona*.

Claim 2 54. The method of Claim 29, wherein the one or more mammals immunized in step (b) are selected from the group consisting of horses, swine, rabbits, sheep, and goats.

Claim 3 52. Previously Presented) The method of Claim 29, wherein the adjuvant in step (b) comprises Freund's complete adjuvant.